

In re: Egan et al.  
Serial No.: 09/674,237  
Filed: July 24, 2001  
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### Remarks

Further to the telephone interview with the Examiner of March 19, 2003, Applicants have amended Claims 4, 23, 39 and 44-48 to simplify the issues and to facilitate issuance of a new Restriction Requirement. Applicants wish to express their appreciation to the Examiner and Supervisory Examiner Caputo for their time and courtesy during the telephonic interviews with Applicants' representative on March 6 and March 19, 2003.


Claims 4 and 23 have been amended to omit the language "an allelic variant or homologue thereof" which were not proper members of the Markush group.

Claim 39 has been amended to delete recitation of "or mimetic thereof or a non-functional mutant protein, fragment or mimetic thereof." Claims 47 and 48 have been similarly amended to omit recitation of "an active analogue, mimic."

Claim 44 has been amended to reduce the number of members of the Markush group, as the previous Restriction Requirement indicated that Claim 44 encompassed over 200 patentably distinct inventions. Claims 45 and 46 have also been amended to reduce the number of specifically recited agents that may be administered according to the inventive methods.

Applicants submit that these amendments present no new matter, and request entry thereof. Applicants further request that a new Restriction Requirement be issued for the above-referenced application, taking into consideration the amendments presented above.

Respectfully submitted,

  
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Attorney's Docket No. 3477-89

PATENT

In re: Application of Egan et al.  
Serial No.: 09/674,237  
Filed: July 24, 2001  
For: *ESE GENES AND PROTEINS*

Group: 1646

**Submission of:**

- 1. Preliminary Amendment**